

duration of, any of the following predicted weather conditions:

(i) Predicted winds of 74 miles per hour (mph) or more or a predicted storm surge of 8 feet or more for the Inner Harbor Navigation Canal;

(ii) Predicted winds of 111 mph or more and/or a predicted storm surge of 10.5 feet or more for the Harvey or Algiers Canals through post storm landfall, or other hurricane or tropical storm conditions as determined by the COTP; or

(iii) Other hurricane or tropical storm conditions expected to inflict significant damage to low lying and vulnerable shoreline areas, as determined by the COTP through National Weather Service/Hurricane Center weather predictions.

(2) In the event that a particularly dangerous storm is predicted to have winds or storm surge significantly exceeding the conditions specified in paragraphs (c)(1)(i) through (c)(1)(iii) of this section, the COTP may begin enforcement 72 hours in advance of the predicted conditions.

(3) During enforcement:

(i) All floating vessels are prohibited from entering or remaining in the RNA except pending approval of a waiver request made in accordance with paragraph (d) of this section or as authorized by a waiver approved by the COTP in accordance with paragraph (d);

(ii) Transient vessels will not be permitted to seek safe haven in the RNA except in accordance with a pre-arranged agreement between the vessel and a facility within the RNA, or as authorized by a waiver approved by the COTP in accordance with paragraph (d) of this section.

(4) The COTP will announce enforcement periods through Marine Safety Information Bulletins and Safety Broadcast Notices to Mariners.

(d) *Waivers.* (1) Upon request of the vessel owner or operator, the COTP may waive any provision of paragraph (c) of this section, if the COTP finds that the vessel's proposed operation can be conducted safely under the terms of that waiver.

(2) A request for waiver must be in writing, except as provided by paragraph (d)(3) of this section, and must describe or provide:

(i) The reason for requesting the waiver;

(ii) The vessel's current operations;

(iii) The name of any intended mooring facility, the specific mooring location within that facility, and a list of vessels routinely engaged in business at that facility;

(iv) The vessel's proposed operation during the RNA enforcement period, including intended mooring arrangements that comply with 33 CFR 165.803 and the mooring facility's equipment for supporting those arrangements; and

(v) Contact information for the vessel owner or operator during the RNA enforcement period.

(3) Under unusual circumstances due to time constraints, such as the malfunction of a bridge or lock within the RNA, the person in charge of a vessel may orally request an immediate waiver from the COTP, but the vessel owner or operator must send written confirmation of the request, containing the information required by paragraph (d)(2) of this section, to the COTP within five days of the oral request.

(4) The COTP may condition approval of a waiver request on the vessel owner's or operator's taking measures additional to those proposed in the waiver request, and may terminate a waiver at any time, if the COTP deems it necessary to provide safety.

(e) *Penalties.* Failure to comply with this section may result in civil or criminal penalties pursuant to the Ports and Waterways Safety Act, 33 U.S.C. 1221 et seq.

(f) *Notice of enforcement.* The COTP will notify the maritime community of periods during which this regulated navigation area will be enforced by providing advance notice through a Marine Safety Information Bulletin and Safety Broadcast Notice to Mariners.

[USCG-2009-0139, 75 FR 32279, June 8, 2010]

#### NINTH COAST GUARD DISTRICT

#### § 165.T09-0260 Safety zone; Red River.

(a) *Location.* The following area is a safety zone: Waters of the Red River in the State of North Dakota, including those portions of the river bordered by Richland, Cass, Traill, Grand Forks, Walsh, and Pembina Counties, plus

those in Minnesota South of a line drawn across latitude 46°20'00" N, extending the entire width of the river.

(b) *Effective date.* This rule is effective from 12:01 a.m. April 8, 2011 until 11:59 p.m. July 15, 2011.

(c) *Periods of enforcement.* This rule will be enforced from April 8, 2011 until 11:59 p.m. May 15, 2011 while dangerous flooding conditions exist. The Captain of the Port Sector Upper Mississippi River will inform the public through broadcast notice to mariners of any changes to enforcement periods.

(d) *Regulations.* (1) In accordance with the general regulations in §165, Subpart C of this part, entry into this zone is prohibited unless authorized by the Captain of the Port Sector Upper Mississippi River and Marine Safety Unit Duluth or a designated representative.

(2) Persons or vessels requiring entry into or passage through the zone must request permission from the Captain of the Port Sector Upper Mississippi River or a designated representative. The Captain of the Port Sector Upper Mississippi River representative may be contacted at (314) 269-2332.

(3) All persons and vessels shall comply with the instructions of the Captain of the Port Sector Upper Mississippi River or their designated representative. Designated Captain of the Port representatives include United States Coast Guard commissioned, warrant, and petty officers of the U.S. Coast Guard.

EFFECTIVE DATE NOTE: By USCG-2011-0260, 76 FR 23487, Apr. 27, 2011, temporary §165.T09-0260 was added, effective from Apr. 27, 2011 through 11:59 p.m. on July 15, 2011.

**§ 165.T09-0263 Safety zone; Red River Safety Zone, Red River, MN.**

(a) *Location.* The following area is a temporary safety zone: all navigable waters of the Red River in the State of Minnesota north of a line drawn across latitude 46°20'00" N, including those portions of the river in Wilkin, Clay, Norman, Polk, Marshall and Kittson counties, to the United States—Canada international border.

(b) *Effective period.* This rule is effective from 5 p.m. on April 7, 2011 until 5 p.m. on July 15, 2011. If the river conditions change such that enforcement of the Safety Zone is unnecessary prior to

5 p.m. on July 15, 2011, the Captain of the Port Duluth will notify the public via a Broadcast Notice to Mariners.

(c) *Regulations.* (1) In accordance with the general regulations in §165.23 of this part, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port Duluth, or his designated on-scene representative.

(2) This safety zone is closed to all vessel traffic, except as may be permitted by the Captain of the Port Duluth or his designated on-scene representative.

(3) The "on-scene representative" of the Captain of the Port Duluth is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port Duluth to act on his behalf. The on-scene representative of the Captain of the Port Duluth will be aboard either a Coast Guard or Coast Guard Auxiliary vessel. The Captain of the Port Duluth or his designated on-scene representative may be contacted via VHF Channel 16.

(4) Vessel operators desiring to enter or operate within the safety zone shall contact the Captain of the Port Duluth or his on-scene representative to obtain permission to do so. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the Captain of the Port Duluth or his on-scene representative.

EFFECTIVE DATE NOTE: By USCG-2011-0263, 76 FR 22035, Apr. 20, 2011, temporary §165.T09-0263 was added, effective from Apr. 20, 2011 until July 15, 2011.

**§ 165.T09-0417 Safety Zone; Put-In-Bay Fireworks, Fox's the Dock Pier, South Bass Island; Put-In-Bay, OH.**

(a) *Location.* The following area is a temporary safety zone: All U.S. navigable waters of Lake Erie, South Bass Island, Put-In-Bay, OH within a 50-yard radius of the fireworks launch site located at position 41°39'17" N, 082°48'57" W. All geographic coordinates are North American Datum of 1983 (NAD 83).

(b) *Effective and enforcement period.* This regulation is effective from 9:15 p.m. on June 19, 2011 through 9:45 p.m. on September 17, 2011. The safety zone will be enforced from 9:15 p.m. until